

Central Administrative Tribunal
Principal Bench

O.A. No. 851 of 2000

New Delhi, dated this the 20th October, 2000

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

W/HC (Exe) Tejwati No. 593/N
D/o late Shri Tara Chand,
R/o D-31, New Police Lines,
Kingsway Camp, Delhi-9.

.. Applicant

(By Advocate: Shri Shankar Raju)

Versus

1. Union of India through
the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi.

2. Addl. Commissioner of Police, Estt.
Police Headquarters,
I.P. Estate,
M.S.O. Building,
New Delhi-110002.

.. Respondents

(By Advocate: Shri George Paracken)

ORDER

MR. S.R. ADIGE, VC (A)

Applicant impugns respondents' Annexure A-1 order dated 15.2.2000 and seeks a direction to respondents to treat the 'B' grading received by her as Very Good and to hold a review DPC to consider her promotion as Asst. Sub-Inspector w.e.f. 15.2.2000.

2. Heard both sides.

3. It is not denied that a DPC met on 15.2.2000 to consider W/HCs (Executive) falling within the zone of consideration for admission to Promotion List D-1 (Executive) on the basis of their ACRs during the preceding five years. The record of

service including punishments etc. were also taken into account while making the selection. While doing so, respondents kept in view the guidelines contained in Para 3 of their reply to the O.A.

4. It is also not denied that applicant's name was also considered. Respondents, however, state that applicant could not be admitted to List D-1 (Exe.) because she could not achieve the Bench Mark of three good ACRs prescribed in those guidelines and also because she was censured on 12.12.97 on the allegation that she took money from person accused of pickpocketing.

5. On behalf of applicant it has been urged by Shri Shankar Raju in his oral and written submissions that during the preceding five years, applicant had received five B gradings her ACRs and the ACR graded as B had to be treated as Very Good as held in Home Department's letter dated 9.7.96 and confirmed by the Tribunal in O.A. No. 1333/99 on 10.9.99 (Annexure A-6), CWP No. 6236/2000 against which was dismissed by the Delhi High Court in limine on 25.8.2000. As regards the penalty of censure, dated 12.2.97, it is urged that it lost its effect after six months and would not act as a bar to promotions to be made on 15.2.2000.

6. We have considered these contentions carefully.

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7. As per Rule 5 Delhi Police (Promotion & Confirmation) Rules, 1980 read with DP&T's O.M. dated 10.4.89 promotion from one rank to another, and from ~~from~~ lower grade to higher grade shall be made by selection tempered with seniority. Efficiency and honesty shall be the main factor forming the selection. Guideline No. (ii) of respondents guidelines for the DPC recapitulated in Para 3 of their reply to the O.A. lays down that officers who were awarded any major/minor punishment in the preceding five years on charge of corruption, moral turpitude and gross dereliction of duty to protect Government property or major punishments within two years on charges of administrative lapses from the date of consideration are not to be recommended.

8. Applicant has not denied in any rejoinder filed by her, the specific averment of respondents in Para 4 of their reply that applicant was censured on 12.12.97 on the allegation that she took money from a person accused of pickpocketing.

9. Applicant's counsel himself concedes in his written submissions (copy on record) that censure is a minor penalty, and taking money from a person accused of pickpocketing is quite clearly a corrupt act.

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10. Under the circumstances, even if 'B' Gradings were to be treated as Very Good, it cannot be said that respondents have acted contrary to rules which put a premium on honesty and their own guidelines (in particular Guideline No. III) referred to above, in denying applicant admission to List D-1 (Executive) in the DPC held on 15.2.2000.

11. The O.A. is, therefore, dismissed. No costs.

(Dr. A. Vedavalli)
Member (J)

(S.R. Adige)
Vice Chairman (A)

'gk'